

REMARKS

Claims 1-17 are pending. Claims 1, 8-9, 11 and 15 have been amended. No new matter has been presented.

The title is objected to for not being descriptive. The title has been amended, and withdrawal of this objection is respectfully requested.

Claims 1, 3-4, 8, 11 and 13-14 stand rejected under 35 USC 103(a) as being unpatentable over Tohki, U.S. Patent No. 6,970,958. This rejection is respectfully traversed.

Claim 1 has been amended to recite “image-related information including attribute information of said image data.” Tohki does not teach or suggest this feature. The Office Action asserts that Tohki’s disclosure of a storage device 4 having names associated with the respective image output modes (e.g., “Scan to PC” and “Scan to E-mail”) corresponds to the claimed “image-related information producing portion.” Applicants respectfully disagree. Tohki merely discloses formatting image data to different forms based on output options. However, regardless of the how the image data is formatted in Tohki, it is the image data itself that is finally sent to the output. In contrast, in the present claim, it is the “image-related information including attribute information,” and not the image data, that is sent to the external device. Thus, Tohki fails to anticipate claim 1.

Accordingly, claim 1 is submitted as allowable. Claims 8 and 11 are submitted as allowable for the same reasons provided above. Claims 3-4 and 13-14 are dependent variously on claims 1 or 11 and are submitted as allowable for at least the same reasons.

Claims 2, 5-7, 9-10, 12 and 15-17 are rejected under 35 USC 103(a) as being unpatentable over Tohki, in view of Suzuki, U.S. Patent No. 5,889,927. This rejection is respectfully traversed.

Regarding claims 2 and 12, these claims are respectively dependent on claims 1 and 11 and are distinct over Tohki for at least the same reasons. Suzuki fails to supplement the deficiencies of Tohki in teaching the features of claims 1 and 11. Claims 2 and 21 are accordingly submitted as allowable.

Referring to claim 5, there is recited “an accepting portion accepting a setting from an external device,” and “an abbreviated image producing portion producing said abbreviated image by using at least a part of said image data based on said setting.” These features are not taught or suggestion by the combination of Tohki and Suzuki. The Office Action in fact concedes that Tohki does not teach these features, but later asserts that Suzuki discloses the claimed “abbreviated image.” Applicants respectfully disagree.

Suzuki is directed to an apparatus that reads out an image at high resolution (e.g., 100 dpi) and subjects the image to a hierarchical coding, each hierarchy level including a predetermined resolution derived from the original image data. See Suzuki, FIG. 7. After the image has undergone this hierarchical code, the proper image resolution is chosen based on the user designation of an output device. See Suzuki, Col. 8: 35-57.

Thus, Suzuki is unrelated to producing an “abbreviated image,” as recited in claim 5. Modifying the resolution of the image data, as disclosed in Suzuki, does not correspond to creating an abbreviated image (e.g., a thumbnail) of the image. There is no indication in Suzuki that the size of the image is modified along with its resolution. Thus, Suzuki fails to overcome the deficiencies of Tohki in teaching “an abbreviated image producing portion producing said *abbreviated image*,” as recited in claim 5 (emphasis added).

Further, Suzuki does not modify the resolution of the images based on a setting received from an external device. Instead, in Suzuki, a variety of images having different resolutions are created before the desired image resolution is received from the external device. In fact, Suzuki teaches away from modifying images after receiving user settings, contending that doing so would hinder image processing time. See Col. 1: 13-16. Thus, Suzuki fails to supplement the deficiencies of Tohki in teaching “producing said abbreviated image by using at least a part of said image data *based on said setting*,” as recited in claim 5 (emphasis added).

Accordingly, claim 5 is submitted as allowable. Claims 9, 10 and 15 include similar features as claim 5 and are similarly submitted as allowable. Claims 6-7 and 6-17 are dependent variously on claims 5 and 15 are submitted as allowable for at least the same reasons.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no.

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